

EXHIBIT 1

FILED
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

2/15/2022 11:40 am

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

-----X Docket#
UNITED STATES OF AMERICA, : 20-cr-00220 (JMA) (ST)
:
:
- versus - : U.S. Courthouse
: Central Islip, New York
THOMAS BLAHA, :
: February 10, 2022
Defendant : 2:06 p.m.
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE STEVEN L. TISCIONE
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

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Proceedings

1 THE CLERK: All rise. Be seated. Court is now
2 in session. The Honorable Steven Tiscione presiding.

3 Criminal Cause for a Guilty Plea, *United States*
4 *of America v. Thomas Blaha*, Docket Number 20-cr-220.
5 Counsel, please state your appearances for the record
6 beginning with the government.

7 MS. KARAMIGIOS: Anna Karamigios for the
8 government and I'm joined by Special Agent Josh Pratt of
9 Homeland Security Investigations. Good afternoon.

10 THE COURT: Good afternoon.

11 MR. FAGA: Kevin Faga, spelled F-A-G-A, for Mr.
12 Blaha who is seated to my left. Good afternoon.

13 THE COURT: Good afternoon. Good afternoon,
14 Mr. Blaha. Can you please administer the oath to the
15 defendant?

16 THE CLERK: Yes, your Honor. Mr. Blaha, could
17 you please stand and raise your right hand?

18 T H O M A S B L A H A,
19 called as a witness, having been first duly sworn,
20 was examined and testified as follows:

21 THE CLERK: Thank you. You may be seated.

22 THE COURT: I understand we also have an
23 attorney for the victim that is participating?

24 MS. KARAMIGIOS: We do, your Honor. Adam
25 Rosenbloom is on the line.

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1 MS. STANZIONE: Hi. Good afternoon, your
2 Honor. My name is Amanda Stanzione and I'm here on the
3 line with Adam Rosenbloom. We're with Latham & Watkins.
4 We are appearing pro bono on behalf of the victim and are
5 seeking an opportunity to be heard pursuant to Rule
6 60(a)(3).

7 THE COURT: Okay. Do you wish to make a
8 statement now or do you want to wait until the end? It's
9 up to you.

10 MS. STANZIONE: We can wait till the end.

11 THE COURT: Okay.

12 MS. STANZIONE: Thank you.

13 THE COURT: Mr. Blaha, are you able to speak
14 and understand English?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. Have you had any
17 difficulty communicating with your attorney at all?

18 THE DEFENDANT: No.

19 THE COURT: All right. Do you understand that
20 this is Judge Azrack's case? She's the judge who will
21 sentence you and make the ultimate decision as to whether
22 to accept your guilty plea. If you wish, you have the
23 absolute right to have Judge Azrack listen to your plea,
24 and if you choose to do that, there will be no prejudice
25 against you.

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1 Alternatively, if you wish, I will listen to
2 your plea. A transcript will be made based on the
3 recording and Judge Azrack can review that transcript in
4 connection with your sentencing and in deciding whether
5 to accept your plea.

6 Do you wish to give up the right to have Judge
7 Azrack listen to your plea and instead proceed here
8 before me today?

9 THE DEFENDANT: Yes, I do.

10 THE COURT: Okay. And do you make that
11 decision voluntarily and of your own free will?

12 THE DEFENDANT: Yes, I did.

13 THE COURT: And have any threats or promises
14 been made to you to induce you to agree to have me take
15 your plea?

16 THE DEFENDANT: No.

17 THE COURT: All right. Now before I accept
18 your guilty plea, I must ask you a number of questions to
19 assure that it is a valid plea. If you do not understand
20 any of my questions, please tell me and I'll reword the
21 question or explain it to the best of my ability. Okay?

22 THE DEFENDANT: Okay.

23 THE COURT: Do you understand that you have the
24 right to be represented by counsel at trial and every
25 other stage of the proceedings including this one?

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1 THE DEFENDANT: Yes.

2 THE COURT: Do you understand that if you
3 cannot afford counsel, the Court may appoint counsel for
4 you?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. If at any point during
7 these proceedings you wish to consult with your attorney,
8 please let me know and I'll give you as much time as you
9 need. All right?

10 THE DEFENDANT: Okay.

11 THE COURT: You have sworn to tell the truth.
12 That means that if you answer any of my questions
13 falsely, your answers later may be used against you in a
14 separate prosecution for the crimes of perjury or of
15 making a false statement. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. What's your full name, sir?

18 THE DEFENDANT: Thomas Paul Blaha.

19 THE COURT: And how old are you?

20 THE DEFENDANT: 65.

21 THE COURT: What's the highest grade you
22 completed in school?

23 THE DEFENDANT: 12th.

24 THE COURT: Are you presently or have you
25 recently been under the care of a physician?

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1 THE DEFENDANT: Just a court order psychologist
2 and a cardiologist.

3 THE COURT: Okay. Anything that would affect
4 your ability to understand what's going on here today or
5 cloud your mind?

6 THE DEFENDANT: No.

7 THE COURT: Other than the court ordered
8 psychiatrist, are you under the care of any other mental
9 health professionals?

10 THE DEFENDANT: No.

11 THE COURT: Have you ever been hospitalized or
12 treated for any mental illness?

13 THE DEFENDANT: No.

14 THE COURT: Have you ever been hospitalized or
15 treated for addiction to drugs or alcohol?

16 THE DEFENDANT: No.

17 THE COURT: In the past 24 hours have you
18 consumed any narcotic drugs?

19 THE DEFENDANT: No.

20 THE COURT: In the past 24 hours have you taken
21 any prescription medications?

22 THE DEFENDANT: Just the ones ordered by my
23 cardiologist.

24 THE COURT: Okay. For your heart condition?

25 THE DEFENDANT: Yes.

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1 THE COURT: Do any of those medications affect
2 your ability to understand what's going on or cloud your
3 mind?

4 THE DEFENDANT: No.

5 THE COURT: In the past 24 hours have you
6 consumed any alcoholic beverages?

7 THE DEFENDANT: No.

8 THE COURT: Is your mind clear?

9 THE DEFENDANT: Yes.

10 THE COURT: And do you understand what's going
11 on here?

12 THE DEFENDANT: Yes.

13 THE COURT: Counsel, have you discussed this
14 matter with your client?

15 MR. FAGA: Yes, your Honor, I have.

16 THE COURT: And in your opinion, is he capable
17 of understanding the nature of these proceedings?

18 MR. FAGA: Yes, sir.

19 THE COURT: In your opinion, does he understand
20 the rights he'll be waiving by pleading guilty?

21 MR. FAGA: Yes, sir.

22 THE COURT: Do you have any doubt as to the
23 defendant's competence to plead at this time?

24 MR. FAGA: I do not.

25 THE COURT: Have you advised him of the maximum

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1 sentence and fines that can be imposed?

2 MR. FAGA: Yes, your Honor.

3 THE COURT: And have you discussed with him the
4 operation of the advisory sentencing guidelines?

5 MR. FAGA: Yes.

6 THE COURT: Mr. Blaha, have you had a
7 sufficient opportunity to discuss this case with your
8 attorney?

9 THE DEFENDANT: Yes.

10 THE COURT: Are you fully satisfied with the
11 representation and advice given to you in this case by
12 your attorney?

13 THE DEFENDANT: Yes.

14 THE COURT: Have you received a copy of the
15 indictment that has been filed against you in this case?

16 THE DEFENDANT: I've seen it.

17 THE COURT: And have you consulted with your
18 attorney about all the charges in the indictment?

19 THE DEFENDANT: Yes.

20 THE COURT: And specifically have you discussed
21 the count to which you'll be pleading guilty which is
22 count 3, sexual exploitation of a child?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you have any questions about
25 that charge?

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1 THE DEFENDANT: No.

2 THE COURT: You understand the charge?

3 THE DEFENDANT: I understand the charge.

4 THE COURT: All right. I understand you're
5 pleading guilty pursuant to a written plea agreement with
6 the government, correct?

7 THE DEFENDANT: Yes.

8 THE COURT: Before I get to the agreement
9 itself, I need to advise you of the rights that you'll be
10 waiving if you plead guilty. The first and the most
11 important thing you must understand is that you do not
12 have to plead guilty even if you are guilty. Under our
13 legal system, the prosecutor has the burden of proving
14 the guilt of the defendant beyond a reasonable doubt. If
15 the prosecutor cannot or does not meet that burden of
16 proof, the jury would have the duty to find the defendant
17 not guilty even if they believe the defendant is probably
18 guilty. Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: If you plead not guilty, under the
21 constitution and laws of the United States you're
22 entitled to a speedy and public trial by a jury with the
23 assistance of counsel on all of the charges contained in
24 the indictment. Do you understand that?

25 THE DEFENDANT: Yes.

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1 THE COURT: At the trial, you'd be presumed
2 innocent. You would not have to prove that you are
3 innocent. It's always the government's burden to
4 overcome that presumption and prove you guilty by
5 competent evidence and beyond a reasonable doubt. Do you
6 understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: In the course of the trial the
9 witnesses for the government would have to come to court
10 and testify in your presence and your counsel would have
11 the right to cross examine the witnesses for the
12 government, to object to evidence offered by the
13 government, and to offer evidence on your behalf. Your
14 attorney would also have the right to subpoena or compel
15 witnesses to come to court and testify. Do you
16 understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: At the trial you'd have the right
19 to testify on your own behalf if you choose to do so.
20 However, you're not required to testify. Under the
21 Constitution of the United States, a defendant in a
22 criminal case cannot be forced to take the witness stand
23 at his or her trial and say anything that can be used
24 against them to show that they are guilty of the crime
25 with which they have been charged. If you decided not to

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1 testify, the Court would instruct the jury that they
2 could not hold that against you. This is called your
3 right against self-incrimination.

4 By pleading guilty, however, you'll be
5 admitting your guilt and giving up your right against
6 self-incrimination. Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: If you plead guilty, I must ask you
9 questions about what you did in order to satisfy myself
10 that you are in fact guilty of the charge to which you
11 are pleading guilty. You'll have to answer my questions
12 truthfully and acknowledge your guilt under oath.

13 In other words, it is not enough to simply say
14 you are guilty. You must also tell me what it is that
15 you did that makes you guilty of the particular charge to
16 which you are pleading guilty. Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: If you plead guilty and the Court
19 accepts your plea, you'll be giving up your
20 constitutional right to a trial and all of the other
21 rights I've just discussed. There'll be no further trial
22 of any kind. The Court will simply enter a judgment of
23 guilty on the basis of your guilty plea. Do you
24 understand that?

25 THE DEFENDANT: Yes.

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1 THE COURT: If you decided to go to trial and a
2 jury found you guilty, you could appeal both the verdict
3 and the sentence. By pleading guilty and entering into
4 the agreement that's before the Court, you'll have waived
5 or given up your right to appeal or collaterally attack
6 all or part of the sentence that's imposed.

7 Specifically, pursuant to the agreement, you'll
8 be waiving your right to file an appeal or otherwise
9 challenge your conviction or sentence in the event that
10 the Court imposes a term of imprisonment of 235 months or
11 below. Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: Are you willing to give up your
14 right to a trial and all the other rights I have just
15 described?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. I'm looking at the plea
18 agreement that is before the Court. It's an 11-page
19 agreement. It appears to have your signature, the
20 signature of your attorney and the attorneys for the
21 government. Is that your signature on the last page of
22 the plea agreement?

23 THE DEFENDANT: Yes.

24 THE COURT: Have you reviewed the plea
25 agreement with your attorney?

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1 THE DEFENDANT: Yes.

2 THE COURT: Do you understand all of the terms
3 and conditions of the plea agreement?

4 THE DEFENDANT: Yes.

5 THE COURT: Does the written plea agreement
6 accurately represent the entire understanding or
7 agreement you have with the government?

8 THE DEFENDANT: Yes.

9 THE COURT: Counsel, have you read and reviewed
10 with your client the written plea agreement that's before
11 the Court?

12 MR. FAGA: Yes, your Honor.

13 THE COURT: And does it reflect your
14 understanding of the entire agreement that your client
15 has entered into with the Government?

16 MR. FAGA: Yes, it does.

17 THE COURT: Now, I want to discuss with you the
18 sentencing scheme that's applicable here.

19 The statute you're accused of violating carries
20 a maximum term of imprisonment of 30 years and a minimum
21 term of imprisonment of 15 years. There's also a minimum
22 supervised release term of five years, a maximum
23 supervised release term of life to follow any term of
24 imprisonment.

25 If you violate any condition of release, you

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1 can be sentenced up to three years in jail without credit
2 for pre-release imprisonment or any time previously
3 served on post release supervision.

4 Also if you commit any criminal offense under
5 the designated chapters that's listed in the agreement
6 for which a term of imprisonment of more than one year
7 can be imposed, you can be sentenced to no less than five
8 years and up to life.

9 There's also a maximum fine of \$250,000.
10 Restitution is mandatory in the full amount of each
11 victim's losses to be determined by the Court. There's a
12 mandatory \$100 special assessment. There's also a
13 mandatory additional special assessment of \$5,000
14 pursuant to 18 United States Code Section 3014(a).
15 There's a requirement for sex offender registration
16 pursuant to the Sex Offender Registration and
17 Notification Act. And there's also criminal forfeiture
18 as set forth in the agreement which requires you to
19 forfeit certain property that's listed in Paragraph 6
20 through 12 of the agreement.

21 Do you understand all that?

22 THE DEFENDANT: Yes.

23 THE COURT: Are you a citizen of the United
24 States?

25 THE DEFENDANT: Yes.

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1 THE COURT: Just in an abundance of caution,
2 I'll advise you that if you are not a citizen of the
3 United States, your conviction for this offense would
4 result in your removal or deportation from the United
5 States. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Judge Azrack does not have complete
8 discretion to impose a sentence here. As a first step,
9 the Court must consider the advisory sentencing
10 guidelines used by the United States Sentencing
11 Commission in determining what is a reasonable sentence
12 in a criminal case. As a second step, the Court must
13 consider whether there are any factors present that would
14 allow the Court to depart from the advisory guidelines
15 either upwardly or downwardly.

16 In addition, the Court must consider the
17 factors set forth in 18 United States Code Section
18 3553(a) against all of the facts and circumstances of the
19 case, and it may be that what's called a non-guideline
20 sentence may be appropriate.

21 The bottom line is that until the date of
22 sentencing when there's a pre-sentence report and the
23 judge hears from you, your lawyer, and the government,
24 you cannot know with certainty what the guidelines will
25 be, whether there will be grounds to depart from them or

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1 whether the Court will impose a non-guideline sentence.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Nevertheless, I ask the attorneys
5 to give their best estimate of what the guidelines are
6 likely to say based on the information they have at this
7 point. Keep in mind that this guess could be wrong. It's
8 not binding on the government, probation, or the Court
9 and if the estimate is wrong, you will not be permitted
10 to withdraw your guilty plea on that basis? Do you
11 understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: What's the government's estimate of
14 the likely guideline range?

15 MS. KARAMIGIOS: We estimate the total adjusted
16 offense level with acceptance of responsibility to be 35
17 and we estimate that the defendant's criminal history
18 category is I which would result in a guidelines range of
19 168 to 210 months. However, given the statutory
20 mandatory minimum, the effective estimated guidelines is
21 180 months to 210 months.

22 THE COURT: Okay. Counsel, do you have the
23 same or a different calculation?

24 MR. FAGA: No, I have the same calculation
25 certainly with respect to the mandatory minimum of 180

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1 months.

2 THE COURT: Okay. Do you understand that, Mr.
3 Blaha?

4 THE DEFENDANT: Yes.

5 THE COURT: And you understand that's not
6 binding, it's just an estimate that could be wrong?

7 THE DEFENDANT: Yes, I understand.

8 THE COURT: Counsel, do you know of any reason
9 why the defendant should not plead guilty at this time?

10 MR. FAGA: No, your Honor.

11 THE COURT: Are you aware of any viable legal
12 defenses to the charges?

13 MR. FAGA: No, your Honor.

14 THE COURT: Mr. Blaha, are you ready to plead
15 at this time?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. What is your plea to
18 count 3 of the indictment, sexual exploitation of a
19 child; guilty or not guilty?

20 THE DEFENDANT: Guilty.

21 THE COURT: Are you pleading guilty voluntarily
22 and of your own free will?

23 THE DEFENDANT: Yes.

24 THE COURT: Has anyone threatened or forced you
25 to plead guilty?

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1 THE DEFENDANT: No.

2 THE COURT: Other than the promises contained
3 in the written agreement, has anyone made any other
4 promises to you to induce you to plead guilty?

5 THE DEFENDANT: No.

6 THE COURT: Has anyone made any promise to you
7 as to what your final sentence will be?

8 THE DEFENDANT: No.

9 THE COURT: Did you, as charged in count 3 of
10 the indictment, in or about and between September 2019
11 and February 2020, together with others knowingly and
12 intentionally employ, use, persuade, induce, entice and
13 coerce a minor to engage in sexually explicit conduct
14 outside of the United States for the purpose of producing
15 one or more visual depictions of such conduct intending
16 that such visual depictions would be transported to the
17 United States using a means and facility of interstate
18 and foreign commerce and which visual depictions were
19 actually transported to the United States using a means
20 or facility of interstate and foreign commerce?

21 THE DEFENDANT: Yes.

22 THE COURT: And can you tell me in your own
23 words what you did that makes you guilty of that offense?

24 THE DEFENDANT: During the period of time
25 including September 2019 to February 2020 I exchanged

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1 electronic messages with someone I knew to be a minor.
2 That person was located outside the United States. In
3 those messages I induced the minor to create sexually
4 explicit video and still images and send them to me
5 electronically while I was in the United States, Long
6 Island.

7 THE COURT: Okay. Where specifically were you
8 in the United States when you sent those messages?

9 THE DEFENDANT: Long Island, New York.

10 THE COURT: I'm sorry?

11 THE DEFENDANT: Long Island, New York.

12 THE COURT: Long Island, New York. Okay. Is
13 that sufficient for the government?

14 MS. KARAMIGIOS: I believe it is, your Honor.
15 I would just add that at trial the government would
16 introduce evidence that Jane Doe was in fact a minor and
17 I believe the defense will so stipulate to that fact.

18 MR. FAGA: Yes, your Honor. He's already
19 indicated that.

20 THE COURT: Okay. All right. Based on the
21 information given to me, I find that the defendant is
22 acting voluntarily, that he understands his rights and
23 the consequences of his plea and that there's a factual
24 basis for the plea. I therefore will recommend to Judge
25 Azrack that she accept the plea of guilty to count 3 of

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1 the indictment.

2 Is there a sentencing date that's been
3 scheduled yet?

4 MS. KARAMIGIOS: Not at this time, Your Honor.

5 THE COURT: Okay. So I'm sure they'll set that
6 date once the pre-sentence report is completed. Counsel,
7 I assume you would wish to be present for that interview?

8 MR. FAGA: Yes, Your Honor.

9 THE COURT: All right. At this point, is there
10 anything else from either side, either party?

11 MS. KARAMIGIOS: Not from the government, your
12 Honor, but I believe that the victim's attorney did want
13 to make a statement.

14 THE COURT: Yes. Anything from the defense?

15 MR. FAGA: My only statement is a request that
16 his current bail conditions continue until the time of
17 sentencing. He's had an excellent track record for the
18 past two years.

19 THE COURT: Okay.

20 MS. KARAMIGIOS: No objection to that, your
21 Honor.

22 THE COURT: All right. So bail is continued.
23 At this point if the victim would like to make a
24 statement, we can do that.

25 MS. STANZIONE: Thank you, your Honor. Again,

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1 my name is Amanda Stanzione and I'm on the line with Adam
2 Rosenbloom. Where at Latham & Watkins appearing on
3 behalf of the victim.

4 I'm happy to spell our names for the court
5 reporter if that's helpful.

6 THE COURT: I'm sorry, I missed that last part
7 of your statement.

8 MS. STANZIONE: I just said I'm happy to spell
9 our names for the court reporter if that's helpful for
10 the record.

11 THE COURT: That's fine.

12 MS. STANZIONE: But let me know if that's
13 unnecessary. Okay.

14 We understand and appreciate that restitution
15 to the victim is mandatory pursuant to the plea
16 agreement. We are appearing today to make a record of
17 our intention to seek that restitution. We've done some
18 work to determine what we think the proper restitution
19 award should be and we will work with the probation
20 office to finalize and formally submit our request and
21 support for that with the Court at the appropriate time.
22 When we do so, we will also be submitting an impact
23 statement from the victim.

24 To the extent any sentencing schedule is set,
25 we would request that we have the continued opportunity

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1 to be heard on the issue of restitution. We also want to
2 preview our request for the Court that once the Court
3 makes its decision on the appropriate restitution award
4 we would request that the Court require payment of some
5 or all of that award to be made before or at the time of
6 sentencing.

7 We've done some preliminary diligence and
8 believe that the (indiscernible) of the defendant's
9 assets that is required by the plea agreement will
10 demonstrate that the defendant has the ability to make
11 such payment and we believe that it would be the best
12 result around to avoid a prolonged payment timeline and
13 have payment be made at or before the time of sentencing.

14 Lastly, your Honor, I'll note that we have not
15 yet filed an appearance in this case and we're happy to
16 do so now or at a later date, whichever is the Court's
17 preference.

18 THE COURT: Okay. Well, work with the
19 probation department to get the necessary information for
20 restitution to be calculated in the pre-sentence report.
21 I know that they'll send you an affidavit for victim
22 impact for purposes of restitution. You can obviously at
23 the time of sentencing submit an additional victim impact
24 sentence for the Court or even appear in person to make
25 such a statement if you wish to do so. I'll just ask --

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1 I assume the government will stay in contact and make
2 sure that you're advised of any dates for sentencing and
3 the like.

4 MS. KARAMIGIOS: Absolutely, your Honor.

5 THE COURT: Okay. Anything further from
6 anyone?

7 MS. KARAMIGIOS: Nothing from the government.

8 MR. FAGA: Nothing, your Honor.

9 THE COURT: Okay. Anything else from the
10 victim?

11 MS. STANZIONE: Nothing more from us, your
12 Honor. Thank you.

13 THE COURT: Okay. All right. Have a good day
14 everyone.

15 MR. FAGA: Thank you, sir.

16 MS. KARAMIGIOS: Thank you, Judge.

17 (Matter concluded)

18 -oOo-

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C E R T I F I C A T E

I, MARY GRECO, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 12th day of February, 2022.



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